IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.83 OF 2007

IN

APPEAL FROM ORDER NO.690 OF 2002

Sambhaji Rangrao Pawar ...Applicant

Versus

Anil Sampatrao Jadhav & Ors. ...Respondents

.....

Mr.Uday Warunjikar for Applicant.

Mr.Dilip Bodke for Respondents 1 & 3.

.....

CORAM: A.M.KHANWILKAR, J.

MARCH 7, 2007.

P.C.

1. This Application is opposed by the Respondents 1 and 3 on the argument that they have already cultivated the suit land and even if the Appeal was to be restored to the file to its original number, the earlier interim order ought not be revived and continued.

2. In the present Application, however, the

relief claimed is simplicitor for restoration of the Appeal from Order by setting aside order dated 22nd December 2006.

3. In the circumstances, the Application is allowed in terms of prayer clause (a).

4. It is made clear that this order shall not be understood to have revived the interim order which operated during the pendency of the Appeal.

5. It will be open to the Applicant to take out appropriate Application as may be advised for that relief.

A.M.KHANWILKAR, J.